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United States District Court
Southern District of New York

DOC # 1

In Re:

Application of Anton Stoeckl
for Discovery Pursuant to 28 USC § 1782

Civil Action #

**EMERGENCY APPLICATION FOR JUDICIAL ASSISTANCE
PURSUANT TO 28 U.S.C. § 1782 TO AID IN FOREIGN PROCEEDING(S)**

Anton Stoeckl (hereinafter "Petitioner"), residing at Box 30, Baldonnell, British Columbia, V0C 1C0 Canada, Born 15.4.1944, and Passport # C4FF JWP4K, in support of his application for limited judicial assistance pursuant to 28 U.S.C. § 1782 to aid in Foreign Proceedings in Germany and Austria, requesting an order directing production of documentary evidence that is in the custody, possession or control of certain banks in New York City and respectfully shows the Court the following:

2011 DEC -9 PM 4:30
U.S. DISTRICT COURT
S.D. OF N.Y.

PRELIMINARY STATEMENT

1. This New Petition is being filed in accordance with the prior decision of US District Court Judge Pauley.
2. This is the 3rd Petition I am filing and was explained below, it is being re-filed to satisfy the issues in the prior petitions where I did not provide sufficient information to support the request for judicial assistance.
3. Judge Duffy and Judge Pauley considered and ruled on the prior Petitions. *See copies of the prior decisions attached as Exhibits 1 & 2.*
4. Both Judge Duffy and Judge Pauley concluded that I had not provided sufficient information to explain why I needed the documents from the witnesses in NYC to assist me in the foreign proceedings in Germany and Austria.

5. Both Judge Duffy and Judge Pauley denied the petitions but gave me the opportunity to re-file another Petition, if I could show them, or whichever other Judge may be assigned to hear the new petition, how the documents I have requested from the three NYC witnesses are in fact relevant to the foreign proceedings in Germany and Austria.
6. I apologize if I took up too much of the Court's time with my last two petitions and I am grateful to Judge Duffy and Judge Paul for helping me – as a pro se litigant – to understand what it was that they or the Court needed in order to grant my petition.
7. I also appreciate the Court's understanding and indulgence and for permitting me to make this petition to hopefully get the documents / evidence from the three witnesses who are in NY and in this way to hopefully be able to protect myself in the pending foreign proceedings that have come about because I was wiped out due to a banking fraud that was perpetrated against me, and which was organized in Cyprus but which used these three NYC witness, as well as other banks in the EU, Switzerland and the United States.
8. As will be explained below, the targets of this new Petition are:
 - a. **Witness Bank # 1 is Deutsche Bankers Trust Americas** (formerly Bankers Trust Co. of New York);
 - b. **Witness Bank # 2 is The Bank of New York Mellon** (previously Bank of New York); and
 - c. **Witness Bank # 3 is Marfin Laiki Bank** (previously Cyprus Popular Bank).
Marfin Laiki Bank is / was chartered to conduct a representative office in NY and which conducts business in NY and which maintains accounts at Witness Bank # 1 – Bankers Trust and Witness Bank # 2 - The Bank of New York Mellon.
9. Each of the Witness Banks absolutely had involvement with the fraud committed against me and MUST have documents related to what happened to me.

10. I can say that each of the Witness Banks had involvement with the fraud against me and must have relevant documents and records because each of Witness Bank # 1, # 2 and # 3 are identified on the front and back copy of my \$ 1 million check ¹that I finally was able to get hold of in mid March 2010. *See Exhibit 3.*
11. To hopefully make things easier, I have completely streamlined and targeted the specific types of documents / evidence that I am seeking from the Witnesses identified below who are either NY banks or a foreign bank that maintains accounts and relationships with the two NY witness banks.
12. And, all the evidence I am seeking revolves around the \$ 1 million check that I was told to make payable to and which was deposited into Witness Bank # 1 in NYC and which then went from that Witness Bank in NYC to Witness Bank # 2 in NYC – and then into the account of Witness Bank # 3 (that maintained accounts with the Witness Banks #s 1 & 2). And from there, my \$ 1 million disappeared!
13. This limited and targeted request for documents / evidence from Witness Banks # 1, # 2 and # 3 is relevant to the foreign proceedings.
14. The information, evidence and documents that I believe are in the Witnesses' possession and which I need to present to the "The European Proceedings" pending in Courts in Germany and Austria fall into three categories of documents. They are:
 - a. Correspondence, documents, account opening and/or closing documentation, directions, instructions, signatories, signature cards, monthly statements and other materials, during the period from March 2000 to present, related to the accounts

¹ Although much of the \$ 1 millions was my money, not all of it was my personal money. However, for the purposes of this petition, I believe it is easier to just refer to the money and the check as my money or my \$ 1 million check.

identified on Exhibit 3² at Witness Bank # 1 and Witness Bank # 2 - through which my \$ 1 million check were transferred in March / April 2000;

- b. Correspondence, documents, account opening and/or closing documentation, directions, instructions, signatories, signature cards, monthly statements and other materials, during the period from March 2000 to present, related to the accounts at Witness Bank # 1, Witness Bank # 2 and Witness Bank # 3 held or maintained at Witness Banks in the names of Hannon Co. Ltd., GK Banking, George Kallis, Brian Rance, Fintop Ltd. (some of the entities involved in the fraud through which my \$ 1 million check was first made out to and deposited into Witness Bank # 1, transferred to Witness Bank # 2, then transferred into the account at Witness Bank # 3 from which it disappeared in March / April 2000) ; and
- c. Instructions given by Hannon Co. Ltd., GK Banking, George Kallis, Brian Rance, Fintop Ltd. to Witness Bank # 1 and Witness Bank # 2 to transfer my \$ 1 million check deposited into Witness Bank # 1 to Witness Bank # 2, and then to Witness Bank # 3 from which it disappeared in March / April 2000);

15. In this holiday season, it is my most fervent hope and prayer that what I am providing now explains why the types of documents I am requesting from the NYC Witness Banks are relevant to the foreign proceedings and provides sufficient justification for the issuance of the requested discovery Order.

16. The relevance is also summarized in a section below entitled Relevance of Information Requested to the proceedings pending in Austria and Germany.

² The accounts appear to include (i) an account at Witness Bank # 1 – Bankers Trust Co of New York – in the name of “The Cyprus Popular Bank Ltd” and (ii) an account in the name of “Hannon Co. Ltd.” See endorsement stamps on Exhibit 3.

INTRODUCTORY FACTS

17. I am a victim of an international banking fraud involving money laundering, tax evasion, fraud and conspiracy to defraud, involving hundreds of millions of dollars.
18. Certain banks appear to have been involved in and helped one or more of their clients to perpetrate and complete this scheme.
19. The banks involved are all connected in one way or another to certain entities based in Cyprus but which had agents located throughout and operating in, among other places the Europe Union, the United Kingdom, the United States, South Africa and Australia.
20. The banks helped conceal the identities of the companies through which the fraud was committed by a series of wire or bank transfers from one company to another.
21. My group and I were defrauded out of in excess of \$ 1.8 million dollars in actual monies and lost tens of millions of dollars in other related damages.
22. The fraudulent scheme caused damage to persons and companies in the European Union, Switzerland, Canada, the United Kingdom, the United States, South Africa and Australia.
23. The fraudulent scheme dates back to at least 1996.
24. Several of the agents involved in the fraudulent scheme against others and me have already been tried, convicted and are in prison.
25. Others agents are now being prosecuted and still others are under criminal investigation.
26. I am a named interested party to the Court proceedings pending currently in Austria, one of which is pending in Innsbruck, at Staatsanwaltschaft, Maximilianstrasse 4, 6020 Innsbruck, with the Case # 13ST97/08D and the other is pending in Vienna, at the Zentrale Staatsanwaltschaft zur Verfolgung von Wirtschaftsstrafsachen und Korruption, Dampfschiffstrasse 4, 1030 Wien, with new Criminal Court File # 14 ST 10/11d.

27. I am also an interested part to Tax Court proceedings in the Finanzgericht Nürnberg, Deutschherrnstraße 8, 90429 Nürnberg, Germany, with the Case # 1 K 1431/2009.
28. The European proceedings in which I am an interested party are ongoing and I need to present evidence to the Courts in Austria and Germany to support my claims.
29. The evidence that I am required to present are the records from Witness Bank # 1 and Witness Bank # 2 which are located in this jurisdiction and from Witness Bank # 3 which maintains accounts at Witness Bank # 1 & Witness Bank # 2, as well as other banks located in this jurisdiction.
30. Witness Bank # 1, Witness Bank # 2 and Witness Bank # 3 are NOT parties to the proceedings in Austria or Germany.

THE WITNESSES

31. The information, information, evidence and documents are sought from:
 - a. **Witness Bank # 1 - Deutsche Bank Trust Company** (formerly Bankers Trust Co. of New York), located at 60 Wall Street, New York, NY 10005);
 - b. **Witness Bank # 2 - The Bank of New York Mellon** (formerly The Bank of New York) located at One Wall Street, New York, NY 10286; and
 - c. **Witness Bank # 3 – now Marfin Laiki Bank** (formerly The Cyprus Popular Bank Ltd.), which maintains accounts and other records at Witness Bank # 1, Witness Bank # 2 and other banks in this jurisdiction.
32. Each of the Witness Banks maintains places of business within the judicial district of the above-entitled Court and/or can be found within this District.
33. The Witness Banks are the banks through which my \$ 1 million check was transferred and ultimately stolen and through which the fraud against me occurred.